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REPUBLIC OF THE MARSHALL ISLANDS

IN THE TRADITIONAL RIGHTS COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS

RIDEL SAMUEL for ADELMA LIBAO SAMUEL,)
)
Plaintiff,)
)
VS.)
)
ALDIA LANGRINE LANGINBELIK,)
)
Defendant.)
_____)

CIVIL ACTION NO. 2018-191

OPINION AND ANSWER OF THE TRADITIONAL
RIGHTS COURT

MEMBERS OF THE PANEL: Acting Presiding Judge Grace Leban
Associate Judge Nixon David
Pro Tem Associate Judge Milton Zackios

PLACE: Majuro Courthouse

DATE OF COURT PANEL'S HEARING: August 8, 14, 15, 2019

THE PARTIES' CONTENTIONS:

The Plaintiff contends that Monkut was originally an Imon Ninnin land from Litakdrikin to his children, since the rights on Monkut weto went to Litakdrikin from his younger sister, Likaulik, who inherited the weto from her father, Laion, as Imon Ninnin. Plaintiff also contends that there was an understanding that before the rights on Monkut weto be passed to Litakdrikin from his younger sister, Likaulik, the rights be given first to Likaulik's only child, Lomae. After Lomae, the rights on Monkut weto were then passed on to Litakdrikin as Imon Ninnin. Plaintiff further claims that according to the understanding, the giving of the rights on Monkut weto from Likaulik to Litakdrikin was affirmed by the Irojlaplap Jebdrik Lokotwerak, who was the Iroj of Monkut weto at that time. According to Plaintiff, after Lomae, and after all the descendants of Litakdrikin passed, the rights on Monkut weto are now passed down under bwij, since a new bwij has been established by Lijuiar, who is the only female amongst the children of Litakdrikin. Bartimius inherited his rights from his mother Lijuiar, and Bartimius is a descendant of the bwij. The Plaintiff states that after the passing of Bartimius, his siblings also held the rights on Monkut

weto, and after Bartimius' siblings passed, the rights passed on to Neri's children, whom the eldest of those living today is Adelma Libao Samuel. It is the belief of the Plaintiff that the rights should not be passed on to the children of Bartimius because they are blood descendants.

It is the contention of the Defendant that Monkut weto is Imon Ninnin from Laion to his daughter, Likaulik, and from Likaulik it went to her son, Lomae. Defendant states that during the time when Lomae was residing on Ailuk, Litakdrikin exercised the rights on Monkut weto, until he passed in 1918. Defendant further states that after that, Lomae came to Majuro after the World War II, and after Lomae passed the rights were passed down to his adoptive son, Bartimius, and after, the rights were passed down to Bartimius' son, Barwell. Today Barwell's eldest daughter, Aldia Langinbelik, holds the rights of Iroj edrik, Alab, and Senior Dri Jeral on Monkut weto.

THE QUESTION REFERRED BY THE HIGH COURT:

Question: **As between Adelma Libao Samuel and Aldia Langrine Langinbelik, and those who claim under them, and under the Marshallese custom, who is the proper person to hold the rights of Iroj Erik, Alab, and Senior Dri Jerbal on Monkut Weto, Djarret Island, Majuro Atoll, Marshall Islands?**

SUMMARY ANSWER:

Answer to Question: **Adelma Libao Samuel is the proper person to hold the rights of Iroj Erik and Alab, and Aldia Langrine Langinbelik is the proper person to hold the right of a Senior Dri Jerbal.**

FACTUAL FINDINGS UPON WHICH THE OPINION IN ANSWER IS BASED:

According Plaintiff's first witness, Mr. Ritel Samuel, who is representing the Plaintiff in this case, Adelma Libao Samuel, testified that Monkut is Imon Ninnin to Likaulik from her father, Laion. After Likaulik passed on the rights to Litakdrikin, however, with the understanding that the rights be exercised first by Likaulik's son, Lomae, and after he passed, the rights are returned to Litakdrikin's children as Imon Ninnin. Ritel also stated that according to the genealogy chart of Litakdrikin, Plaintiff's Exhibit A, Bartimius inherited his rights on Monkut weto from his mother, Lijuiar, and that Lijuiar inherited the rights from her father, Litakdrikin as Imon Ninnin, given by her father's younger sister, Likaulik. He further stated in his testimony that after Bartimius, the rights went to his younger sister, Bin, although,

Jorrak was her manmaronron. After Bin and Jorrak had passed, the rights went to Watak, and after Watak the rights were passed down to the eldest sister of Ritel, namely, Rotha. According to Ritel, he used to see Jorrak and Watak making announcements and make arrangements on the weto, and that Watak authorized Rithen Aknilang and his son, Titus Langrine to build their houses on Monkut weto. Plaintiff's second witness, Belmar Graham, who was called in by the Plaintiff as an expert witness from the Office of Kajin and Manit, testified that the line of inheritance on Monkut weto comes down from Lijuiar after the death of Lomae, who had adopted children. During cross examination of Graham by the Defendant, he stated that Lijuiar is a male's child (botoktok), however, her children are of a female (bwij), according to Marshallese custom.

Defendant's first witness is Russel Langrine. According to Russel's testimony, he states that according to Defendant's Exhibit D-2, the genealogy of Laion, it shows that Litakdrikin held rights on Monkut during the time when Lomae was not on Majuro, but was on Ailuk. He also stated that although Bartimius and Kabinmeto both lived on Monkut weto, it was Bartimius who made organized interests on the land. According to Russel, he lived and grew up with his grandfather, Bartimius. Russel stated that Bartimius got his rights on Monkut weto from his adopted father, Lomae, and that Lomae gave Monkut weto to Bartimius as Imon Ninnin land. When questioned by the Panel what he meant by Imon Ninnin, he said it is a land given by a father to his children, or inheritance of land through male (botoktok).

Defendant's second witness is Joyline Peter. Joyline is the younger sibling of the Defendant, but is older than Russel Langrine. Joyline stated in her testimony that according to Defendant's Exhibit D-1, Laion gave Monkut to Likaulik, who is the mother of Lomae. Furthermore, Litakdriki is older than Likaulik and had 10 children, one of them is Lijuiar. Joyline states that Lomae adopted Lijuiar's son, namely Bartimius, since Lomae and Lijuiar are cousins. She also stated that after Bartimius died, the rights went to his son, Barwell, and after Barwell, the rights on Monkut goes passed down to his daughter, Aldia, the Defendant in this matter. Joyline also stated that, Lijuiar did not hold any rights on Monkut weto since she is a descendant of a male, and it was not proper for Lijuiar to hold any rights since she is from the botoktok. She also stated that Barwell held the rights while Lijuiar was still alive. When Lijuiar passed, Bartimius held the rights, and he made a power of attorney (Defendant's Exhibit D13) to his son, Barwell. She also stated that her grandfather, Bartimius recorded his voice on a cassette tape(D12), and declared his will for Monkut weto, saying that if he dies, his son, Barwell, will inherit his rights on the

weto. According to Joyline, no one from the Plaintiff's side was present during the recording of Bartimius' will on a cassette tape.

APPLICABLE CUSTOMARY LAW AND TRADITIONAL PRACTICE:

1. *Imon Ninnin* – A land that an Alab or the head of the clan gives to his children, with the approval of the Irojlaplap and the clan members.
2. *Jidrak in Bwij* – A place where a male who is a descendant of a male is an Alab, and when a female is born and have children, *then a new bwij is established. It can also be where a bwij becomes extinct, then the botoktok reign as Alab, however, if a female is born and have children, a new bwij is established and the Alab rights goes to the children of the female.*

ANALYSIS:

After looking at all evidence presented during trial by both parties, the Panel perceives that Monkut weto was an Imon Ninnin given by Laion to his children. Plaintiff's Exhibit A and Defendant's Exhibit D-1, the genealogy charts both show that Monkut weto is an Imon Ninnin given by Laion to his daughter, Likaulik. Later, Likaulik gave it to her elder brother, Litakdrikin as Imon Ninnin for the children of Litakdrikin, with the consent of the Irojlaplap Jebdrik (Plaintiff's Exhibit H). However, before the rights were given to the children of Litakdrikin, the son of Likaulik, namely Lomae, rightfully held the rights on Monkut weto first because he is a descendant of the bwij.

The 1958 Land Determination, Plaintiff's Exhibit D-3, shows that during that time Lomae was the Iroj edrik, Jiaur was the Alab, and Bartimius the Dri Jerbal. This clarifies the fact that is taken from both genealogy charts that Monkut was an Imon Ninnin, beginning with Likaulik from her father, Laion, and later to Litakdrikin and his children from Likaulik. This is evident because if it were only for Bartimius from his adoptive father, Lomae, then Jiaur would not have been an Alab and Bartimius a Dri Jerbal as shown on the 1958 Land Determination. This is also in accordance with Marshallese custom Imon Ninnin goes to the children of the male and his descendants only with the consent of the Irojlaplap and the members of the clan (bwij). The evidence shows that in 1958, Jiaur the son of Litakdrikin and the brother of Lomae, held the rights of Alab and Bartimius the Dri Jerbal.

The Defendant testified that Monkut weto is Imon Ninnin for Bartimius from his adoptive father, Lomae. However, there is no evidence showing that Lomae did inform the clan that he was giving Monkut weto to his adoptive son, Bartimius. There is evidence shown only on the genealogy chart that it is right and proper for Bartimius to hold the rights since he is the son of Lijuiar, whom the bwij was reformed. Defendant's Exhibit D-6, Bartimius shows that he inherited his rights on Monkut weto from his mother, Lijuiar, and not from Lomae. The Defendant testified that Bartimius bequeathed his son, Barwell, the rights on Monkut weto, and the Panel heard the recorded voice of Bartimius, on a cassette tape (Defendant's Exhibit D-12) played and heard him testified as this information. However, there is lack of evidence to show that the clan had consented to the recorded will. The testimony also shows that none of the members of the Plaintiff's families was present to witness the recorded will of Bartimius. The Panel believes that any will, written or recorded that Bartimius made to bequeath the rights on Monkut weto to his children and grandchildren, regarding Iroj edrik, Alap, and Dri Jerbal, the clan should have been informed since Monkut weto is Imon Bwij, in accordance to Marshallese custom. This is equally true if Lomae had bestowed his adoptive son the rights on Monkut weto, then the clan should have been informed, as accorded under the custom.

Based on the information provided, the Panel recognizes Adelma Libao Samuel as the rightful and proper person to hold the Iroj edrik and Alap titles on Monkut weto. Furthermore, since Aldia Langrine Langinbelik is a descendant of a male, she holds the Senior Dri Jerbal right on Monkut weto.

Plaintiff(s) Witnesses:

1. Ritel Samuel
2. Belmar Graham

Defendant(s) Witnesses:

1. Russel Langrine
2. Joyline Peter

EXHIBITS AND TANGIBLE EVIDENCE:

Plaintiff(s) Exhibits:

1. Plaintiffs' Exhibit A – Menmenbwij of Litakdrikin and Litarmille
2. Plaintiffs' Exhibit B – Land Determination of Djarret, Majuro Atoll

3. Plaintiffs' Exhibit C – Order of Proceeding, June 9, 1958 for Monkut Weto
4. Plaintiffs' Exhibit D – Motion for Leave to Amend Answer
5. Plaintiffs' Exhibit E – Order Amending Action on Civil Action No. 317
6. Plaintiffs' Exhibit F – Memorandum of Points and Authorities in Reply to Plaintiffs' Supplemental Points and Authorities in Civil Action No. 317
7. Plaintiffs' Exhibit G – Affidavit of Bartimius Langrine, CA-317
8. Plaintiffs' Exhibit H – Affidavit in Support of Motion to Dismiss
9. Plaintiffs' Exhibit I – Pre-Trial conference on CA-317
10. Plaintiffs' Exhibit J – Part of CA-317
11. Plaintiffs' Exhibit K – Opinion in Answer, CA 2005-096
12. Plaintiffs' Exhibit M – Kamol Maron Ion Bwidej
13. Plaintiffs' Exhibit N – Mortgage of Leasehold

Defendant(s) Exhibits:

1. Exhibit D1 – Menmenbwij of Laion
2. Exhibit D2 – Death certificate of Neri
3. Exhibit D3 – 1958 TT Land Determination
4. Exhibit D4 – TT Case No. 317
5. Exhibit D5 – Death Certificate of Jiaur
6. Exhibit D6 – Motion for Leave to Amend Answer & Order
7. Exhibit D7 – Motion to Dismiss
8. Exhibit D8 – Ruling on Motions to Set Aside Judgment and For New Trial
9. Exhibit D9 – Affidavit of Bartimius in Support of Motion to Dismiss
10. Exhibit D10 – Ruling on Motions to Set Aside Judgement and For New Trial
11. Exhibit D11 – Authorization from Bartimius to Joyline Langrine Peter
12. Exhibit D12 – The Oral Kalimur of Bartimius Langrine to His Son Barwell
13. Exhibit D13 – Special Power of Attorney from Bartimius to Barwell Langrine
14. Exhibit D14 – Death Certificate of Bartimius Langrine
15. Exhibit D15 – Death Certificate of Jorrak Langrine
16. Exhibit D16 – Death Certificate of Libbin Kejon
17. Exhibit D17 – Summons & Complaints Against Barwell by Aerme Kamo
18. Exhibit D18 – Death Certificate of Watak Langrine

19. Exhibit D19 – Authorization from Joyline Langrine Peter to Aba Langrine
20. Exhibit D20 – Power of Attorney of Aldia Langinbelik to Joyline Peter to Deal with This Case
21. Exhibit D21 – Death Certificate of Barwell Langrine
22. Exhibit D22 – Land Use Agreement Signed by Bartimius
23. Exhibit D23 – Power of Attorney from Adelma Samuel to Carmen Bigler, Kelel Roberts, & Others

OTHER MATTERS THE PANEL BELIEVES SHOULD BE MENTIONED:

According to Plaintiff's Exhibit A, the genealogy of Litakdrikin, the Panel sees that there are those before Bartimius, who would have been more proper to hold the Senior Dri Jerbal right on Monkut weto, such as Kabinmeto and others. However, they are not part of this case and showed no interests in this case, therefore, the Panel recognizes the children of Bartimius, who are in this case, as the most proper amongst both parties to hold the rights of Senior Dri Jerbal on Monkut weto today.

Dated: October 16, 2019

/s/ Acting Presiding Judge Grace Leban, Traditional Rights Court

/s/ Assoc. Judge Nixon David, Traditional Rights Court

/s/ Assoc. Pro Tem Judge Milton Zackios, Traditional Rights Court